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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,326	05/16/2001	Edward M. Scheidt	STS 133	2783

49691 7590 10/14/2005

IP STRATEGIES  
12 1/2 WALL STREET  
SUITE I  
ASHEVILLE, NC 28801

EXAMINER
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KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 10/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/858,326	<b>Applicant(s)</b> SCHEIDT ET AL.	
	<b>Examiner</b> Nadia Khoshnoodi	<b>Art Unit</b> 2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Handwritten initials*

**DETAILED ACTION**

***Response to Amendment***

Applicant's arguments/ amendments with respect to amended claim 1 filed 6/10/2005 have been fully considered but they are not persuasive. Newly present claims 2-20 are rejected under new grounds. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

***Response to Arguments***

Applicant contends that Fieres et al. do not disclose or suggest "checking the identity and authentication of an application for valid use within a domain." Examiner respectfully disagrees. Fieres et al. teach that a certificate, including an application identity, is issued and later used in order to authenticate the application by checking its identification information to determine whether or not it can access the cryptographic functions, i.e. allow valid use, within the domain (col. 6, lines 26-38).

Due to the reasons stated above, the Examiner maintains rejections with respect to amended claim 1. Fieres et al. teach the limitations that the Applicant suggests distinguish from the prior art. Therefore, it is the Examiner's conclusion that amended claim 1 is not patentably distinct or non-obvious over the prior art of record as presented.

***Claim Rejections - 35 USC § 102***

I. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2133

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

II. Claim 1 is rejected under 35 U.S.C. 102(e) as being fully anticipated by Fieres et al., US Patent No. 6,178,504.

As per claim 1:

Fieres et al. teach authenticating the information using a digital signature (col. 8, lines 49-55) where it is inherent that a key is necessary and present to validate the signature, hashing sum of the application code image (col. 8, line 51), a certificate contains identifying attributes of the application which are used to accurately identify an application (col. 8, lines 49-55) and a signature validation process can be applied to the applet to verify that the applet has been signed by a trusted entity (col. 10, lines 32-34) where the applet is allowed to run after integrity checks are confirmed (col. 10, lines 34-35), the architecture provides the concepts of a class of service where COS identifiers label the resource (col. 10, lines 45-49), acquire access to resources according to the application assigned capabilities and execute application methods in a secure location (col. 10, lines 51-59); they are signed by the ICF domain authority and the COS identifiers are evaluated before access to the method is granted (col. 11, lines 13-16), requested

Art Unit: 2133

attributes are compared to a set of privilege attributes (col. 12, lines 23-25) where if the result is positive the caller is allowed to go ahead (col. 12, lines 25-26), and it is inherent that if the result is negative then services are denied. Furthermore, Fieres et al. teach checking the application authentication file for one or more application identification and authorization objects (col. 6, lines 26-38).

*Claim Rejections - 35 USC § 103*

III. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

IV. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fieres et al., US Patent No. 6,178,504 as applied to claim 1 above.

As per claim 2:

Fieres et al. substantially teach the process of claim 1. Not explicitly disclosed is wherein the application identification and authentication objects are stored as a part of an application configuration map. However, Fieres et al. teach an application resource map which assign certain capabilities to each application. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Fieres et al. to have an application configuration map which identifies the application as well as the authentication objects. This modification would have been obvious because a person having ordinary skill in

Art Unit: 2133

the art, at the time the invention was made, would have been motivated to do so since it is suggested by Fieres et al. in col. 10, lines 45-55.

V. Claims 3-6, 9-10, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fieres et al., US Patent No. 6,178,504 as applied to claim 1 above, and further in view of Thomlinson et al., US Patent No. 6,044,155.

As per claim 3:

Fieres et al. substantially teach the process of claim 2. Not explicitly disclosed is wherein the user is associated with a user identification and authentication configuration map. However, Thomlinson et al. teach a storage server which is used in order to identify and authenticate users by using passwords. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Fieres et al. to have an authentication configuration map which identifies the user and provides a means of authentication. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Thomlinson et al. in col. 8, lines 1-9.

As per claim 4:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 3. Furthermore, Thomlinson et al. teach that the authentication map includes a user ID and password (col. 8, lines 5-9).

As per claim 5:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 3.

Furthermore, Thomlinson et al. teach that the authentication map includes a member profile (col. 9, lines 59-65).

As per claim 6:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 5. Not explicitly disclosed is wherein the member profile is stored on a token. However, Thomlinson et al. teach that a token can be used for stronger authentication. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Fieres et al. for the member profile to be stored on a token. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Thomlinson et al. in col. 10, lines 33-35.

As per claim 9:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 3.

Furthermore, Thomlinson et al. teach that the user identification and authentication map includes a password (col. 8, lines 5-9) and a member profile (col. 9, lines 59-65).

As per claim 10:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 9. Not explicitly disclosed is wherein the member profile is stored on a token. However, Thomlinson et al. teach that a token can be used for stronger authentication. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Fieres et al. for the member profile to be stored on a token. This modification would have

Art Unit: 2133

been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Thomlinson et al. in col. 10, lines 33-35.

As per claim 13:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 3.

Furthermore, Thomlinson et al. teach comparing the user identification and authentication configuration map with the application identification and authentication objects (col. 9, line 59 – col. 10, line 4).

As per claim 14:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 13.

Furthermore, Thomlinson et al. teach providing application services to the user if the result of the user identification and authentication comparison is favorable; and denying application services to the user if the result of the user identification and authentication comparison is not favorable (col. 9, line 59 – col. 10, line 43).

As per claim 15:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 14. Not explicitly disclosed is wherein the application identification and authorization objects include specification of one or more devices. However, Thomlinson et al. teach that in certain instances, the password depends on a previous computer or network operating system logon procedure. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Fieres et al. for the application identification and authorization objects include specification of one or more devices. This modification would have been



Art Unit: 2133

obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Thomlinson et al. in col. 10, lines 58-64.

As per claim 16:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 15.

Furthermore, Fieres et al. teach the domain identification and authentication objects include specification of one or more devices (col. 5, lines 59-67) and comparing the decoded application identification and authentication objects to the domain identification and authentication objects includes comparing the specification of devices (col. 6, lines 60-62).

As per claim 17:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 16. Not explicitly disclosed is wherein the user identification and authentication configuration map includes specification of one or more devices. However, Thomlinson et al. teach that in certain instances, the password depends on a previous computer or network operating system logon procedure. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Fieres et al. for the user identification and authentication configuration map includes specification of one or more devices. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Thomlinson et al. in col. 10, lines 58-64.

As per claim 18:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 17.

Furthermore, Fieres et al. teach wherein comparing the user identification and authentication configuration map with the application identification and authentication objects includes comparing the specification of devices (col. 6, lines 49-67).

As per claim 19:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 15. Not explicitly disclosed is wherein the user identification and authentication configuration map includes specification of one or more devices. However, Thomlinson et al. teach that in certain instances, the password depends on a previous computer or network operating system logon procedure. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Fieres et al. for the user identification and authentication configuration map includes specification of one or more devices. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Thomlinson et al. in col. 10, lines 58-64.

As per claim 20:

Fieres et al. and Thomlinson et al. substantially teach the process of claim 19. Furthermore, Fieres et al. teach wherein comparing the user identification and authentication configuration map with the application identification and authentication objects includes comparing the specification of devices (col. 6, lines 49-67).

Art Unit: 2133

VI. Claims 7-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fieres et al., US Patent No. 6,178,504 and Thomlinson et al., US Patent No. 6,044,155 as applied to claims 5, 7, 9, and 11 above, and further in view of Subbiah et al, US Patent No. 6,035,403.

As per claims 7 and 11:

Fieres et al. and Thomlinson et al. substantially teach the process of claims 5 and 9. Furthermore, Thomlinson et al. teach that biometrics may also be used for authentication purposes (col. 10, lines 33-35). Not explicitly disclosed is wherein the member profile includes a digitized fingerprint template. However, Subbiah et al. teach using fingerprints in a software distribution environment to allow for stronger authentication. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Fieres et al. for the member profile to include a digitized fingerprint template. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Subbiah et al. in col. 5, lines 8-44.

As per claims 8 and 12:

Fieres et al., Thomlinson et al., and Subbiah et al. substantially teach the process of claims 7 and 11. Furthermore, Thomlinson et al. teach that biometrics may also be used for authentication purposes (col. 10, lines 33-35). Not explicitly disclosed is wherein the member profile includes a digitized fingerprint sample. However, Subbiah et al. teach using fingerprints in a software distribution environment where a fingerprint sample is needed in order to allow for stronger authentication. Therefore, it would have been obvious to a person in the art at the time the invention was made to modify the method disclosed in Fieres et al. for the member profile to

Art Unit: 2133

include a digitized fingerprint sample. This modification would have been obvious because a person having ordinary skill in the art, at the time the invention was made, would have been motivated to do so since it is suggested by Subbiah et al. in col. 5, lines 8-44.

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825. The examiner can normally be reached on M-F: 8:00-4:30.

Art Unit: 2133

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



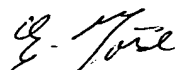
Nadia Khoshnoodi

Examiner

Art Unit 2137

10/11/2005

NK



EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER